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4. Quieting Title (§ 12*)—Vacant Property.—Where certain lots in controversy were uninclosed, unimproved, unoccupied, and not in the actual possession of either plaintiff or defendant, plaintiff, holding the legal title, had sufficient possession to entitle him to maintain a suit to quiet title.

[Ed. Note.—For other cases, see Quieting Title, Cent. Dig. §§ 8-12, 44, 45; Dec. Dig. § 12.* 11 Va.-W. Va. Enc. Dig. 518, 522.]

5. Quieting Title (§ 7*)—Cloud on Title.—Where plaintiff had the legal title and possession of certain land, a subsequent deed by another purporting to convey the property constituted a cloud on title which plaintiff was entitled to sue in equity to remove.

[Ed. Note.—For other cases, see Quieting Title, Cent. Dig. §§ 14-33; Dec. Dig. § 7.* 11 Va.-W. Va. Enc. Dig. 514.]

Appeal from Law and Chancery Court of City of Norfolk.

Suit by John Boyd against the McNamara Syndicate. Decree for complainant, and defendant appeals. Affirmed.

A. Johnston Ackiss and R. Randolph Hicks, for appellant.
Jeffries, Wolcott, Wolcott & Lankford, for appellee.

PIZZINI v. GRINNAN, Judge, et al.

March 22, 1911.

[70 S. E. 850.]

Prohibition (§ 1*)—Nature and Scope of Remedy—Question of Constitutionality of Statute.—Code 1904, c. 143, relating to awards, provides by section 3008 that an award shall be entered as the decree of the court unless cause is shown against it; and section 3009 defines the grounds on which an award may be set aside. A party against whom an award had been made petitioned for a writ against the judge of the chancery court in which the proceedings had been instituted to prohibit the entering up of the award as the decree of the court on the ground that these sections were unconstitutional. Held, that prohibition was not the proper remedy to determine the constitutionality of the statute.

[Ed. Note.—For other cases, see Prohibition, Cent. Dig. § 1; Dec. Dig. § 1.* 11 Va.-W. Va. Enc. Dig. 403.]

Petition by Andrew Pizzini, Jr., for a writ of prohibition against Daniel Grinnan, Judge of the Chancery Court of the City of Richmond, and George B. Hutchings, to prohibit them from

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

entering up an award of arbitrators as the judgment or decree of the Chancery Court of the City of Richmond.

Wyndham R. Mercedith, for petitioner.

McGuire, Riely & Bryan, for respondents.

COHEN & WINSTON *v.* WALFORD, Collector.

Jan. 26, 1911.

[70 S. E. 850.]

Appeal and Error (§ 36*)—Jurisdiction—Nature of Controversy.—The Supreme Court of Appeals has no jurisdiction of a mere pecuniary controversy involving a tax amounting to less than \$300.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 114-116; Dec. Dig. § 36.* 1 Va.-W. Va. Enc. Dig. 477.]

Error to Hustings Court of Richmond.

Action between Cohen & Winston, receivers, and one Walford, Collector. From the judgment, the receivers bring error. Writ dismissed.

Page & Leary, for plaintiffs in error.

H. R. Pollard, for defendant in error.

Petition of SAVILLE.

Jan. 27, 1911.

[70 S. E. 850.]

Deeds (§ 81*)—Recording—Taxes—Statutes.—The change in Tax Law, § 13, imposing on real estate deeds admitted to record a tax, made by Act March 17, 1910 (Acts 1910, c. 315), does not increase the amount due for recordation of deeds, and the section as amended is in legal effect the same as before the amendment (Acts 1902-04, c. 148).

[Ed. Note.—For other cases, see Deeds, Dec. Dig. § 81.*]

Mandamus by William W. Rountree against Charles O. Saville, Clerk of the Chancery Court of the City of Richmond. There was a judgment granting relief, and defendant petitions for a writ of error and supersedeas. Petition denied.

Samuel W. Williams, Atty. Gen., for petitioner.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.